

1982 WL 189380 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 26, 1982

*1 Honorable Fred R. Fanning
Chairman
South Carolina Public Railways Commission
Post Office Box 1265
Orangeburg, South Carolina 29115

Dear Tony:

Attached is a copy of Section 166 of the FY 82-83 Appropriations Act. Because it is both very expensive to print all of the extra pages this provision requires in the various printings of the budget, and because 'operating budgets' are quite different in format from government agency budgets, we hope that this provision may be dropped in the coming session of the General Assembly before the effective date of April 1, 1983. Failing this, we would hope that the needs of the General Assembly could be met by simply printing our annual financial statements as a separate part of the Bill. Of course these figures are available to the General Assembly from our annual reports but certain members seem to want everything printed in the Appropriations Bill.

The State Auditor, Mr. Ed Vaughn, is working very closely with us on this and related problems. According to the proviso, the Public Railways Commission is not required to submit an itemized budget until next year, which would be for FY 84-85; however, because we are all agreed that the Railways Commission should not get into a contest with the General Assembly, Ed Vaughn's Office is prepared to assist Jim Betz and the staff in preparing a line item budget for next year, if required by either House. This way, if there is a contest we will not be in the forefront.

Meanwhile, it is our opinion that the Commission should proceed just as it has been conducting its business, including the 5% pay raise for staff which the Commission adopted early this year. Since Jim Betz is employed under contract, I would also recommend that the Commission consider renegotiating that contract with him rather than waiting until it expires. This will provide an appropriate vehicle for his compensation without putting the Commission in the position of increasing his salary on some kind of percentage basis. Ultimately, the Commission must conduct its business as the Board of Directors of Common Carrier Railroads, as provided by [Code Section 58-19-180](#). I am sure that you will agree with me that this is the only proper legal position for the Commission to take, pending a final resolution of the problem.

Please call me if you have any questions.

Sincerely,

Frank K. Sloan
Deputy Attorney General

Sec. 166. The Public Service Authority, the Ports Authority, and the Railways Commission shall submit their proposed itemized budgets to the Budget and Control Board and the House Ways and Means Committee during the period of budget preparation for the next fiscal year. The provisions of this section shall be electives beginning April 1, 1983.

1982 WL 189380 (S.C.A.G.)